

EXHIBIT 3

Mark Jeffries

From: Mark Jeffries
Sent: Tuesday, July 10, 2018 2:55 PM
To: 'Rick Juckniess'
Cc: Charles Crooks; Monte Williams; Todd Phillips
Subject: Ballock Discovery Issues
Attachments: f4506.pdf

Rick,

Below are my notes from our phone call today, reflecting where we currently stand with our respective responses to the other's discovery requests. For convenience, I have underlined the areas where I believe we still have disputes that we are unable to reach agreement on.

STATE POLICE DEFENDANTS' REQUESTS TO PLAINTIFF

Interrogatories 2 and 4: These asked for the identities and contact information of all persons who Plaintiff believes to have relevant knowledge and the identities and expected subjects of testimony of all witnesses reasonably expected to be called at trial. Plaintiff will supplement his answers to provide additional contact information for those witnesses for whom inadequate contact information was provided. The expected testimony of Kathie Giesleman was not provided on the response we received, although you said it was contained in the version you were looking at. Regardless, Plaintiff will supplement his answer to provide the expected testimony of Ms. Giesleman. SSAs Barrow and Ryan were identified in response to Interrogatory No. 15, but not in response to Interrogatories 2 and 4, and consequently, no contact information was provided for these individuals. It is your position that Mr. Ballock does not have contact information for these two individuals beyond the central address/telephone number to the CJIS facility. Will you supplement Mr. Ballock's answer to reflect this position?

Interrogatory 9: This sought the identity of "every psychologist, psychiatrist, physician, cleric, or other person" with whom Mr. Ballock has sought counseling or treatment concerning his psychological or emotional condition within the last 10 years. No dates of treatment were provided beyond the years of treatment. You agreed that Plaintiff will attempt to supplement with more precise dates. In addition, you objected to providing any information regarding any cleric with whom Mr. Ballock may have sought counseling or treatment related to the allegations described in the Third Amended Complaint or even asking him if he ever sought such treatment. We remain at disagreement on this point.

Requests for Production 8-11: These sought executed medical, mental health, and psychotherapy releases so that we may obtain records from the providers identified in the answers to Interrogatories 8-10. Although you still maintain that going back to 1/1/08 is overly broad, you will agree to produce releases that will permit us to request records back to that date. You wanted assurance that any records obtained will be subject to the protective order. We have agreed that all records obtained through the releases will be subject to the protective order, and I suggested that you expressly state in the supplemental response producing the releases that they are being provided with the understanding that all records obtained with them are subject to the protective order. You wanted a limit on the scope of records obtained. I explained that we cannot provide a description of the records sought, as we do not know what records are available. Nevertheless, the records obtained will be limited by the providers identified in response to Interrogatories 8-10, which all relate to mental/emotional treatment as a result of the incidents described in the Third Amended Complaint. We agreed that either Mr. Ballock may make a pen and ink change to the releases provided, limiting the records produced to 1/1/08 and later, or we will submit new releases with a temporal limitation. Please let me know which you prefer.

Request for Production 14: This request sought documents supporting the allegations that Trooper Berry was conducting surveillance of Mr. Ballock, his parents, or both. Plaintiff's response was that he "will produce responsive

documents,” but I have seen no documents responsive to that request. You affirmed that Plaintiff has produced all responsive documents he has.

Requests for Production 18 and 22: Both of these requests sought documents related to any adverse employment actions Mr. Ballock suffered while at the FBI. Although Plaintiff’s response was that he will produce responsive documents, no documents related to his employment with the FBI were produced. You explained that Mr. Ballock was not allowed to have copies of documents the FBI produced related to his discharge, but you believed that he did receive written notification of his discharge. I emphasized that the request was broader than just his discharge, but included any documents related to an investigation or the like. You agreed that you will double check with Mr. Ballock to see if there were any responsive documents and will supplement his production if necessary.

Request for Production 16: This request sought Mr. Ballock’s income tax returns from 2012 through 2017. Mr. Ballock did not produce returns for 2012 and 2013 because he does not have copies. You agreed that he will provide a signed release so that we may obtain those records directly from the IRS. I have attached IRS Form 4506, which will permit us to obtain copies of Mr. Ballock’s 2012 and 2013 returns. We will pay the costs of obtaining the returns. Please fill in Steptoe & Johnson and our address on Line 5, and please check the box on line 9, so that if the IRS needs to refund the check, the refund will go to us (I’ve had the IRS issue our refund check to the plaintiff before). We had a question whether Ms. Costlow would need to sign the release, since the returns were joint returns. Per the instructions above the signature block, only one spouse must sign the release to obtain a joint tax return.

Request for Production 30: This request sought documents related to Mr. Ballock’s pay and benefits in his current employment. Although information on his pay was produced, we received no information on the benefits he currently has available. You agreed to determine what benefits are available(not just those benefits he received, but those that are available, even if he elected not to participate) to Mr. Ballock and provide that information to me; we will then refine our request to ask for any specific documents related to those benefits.

Request for Production 23: This request asked for documents reflecting any communications between either Plaintiff and his father, Tom Ballock, or between you or Charles and Tom Ballock related to the State Police Defendants or any allegations in the Third Amended Complaint. You objected on grounds of vagueness and overbreadth, as well as attorney-client privilege. I clarified that we are not seeking any communications between you or Charles and Plaintiff, although the request would encompass communications between you or Charles and Plaintiff if Tom Ballock were included. I also clarified that this request is not seeking communications—such as letters, e-mails, or text messages—that mention any or all of my clients—Michael Kief, Ronnie Gaskins, and Chris Berry—or which relate to the allegations in the Third Amended Complaint; it does not encompass all communications between Plaintiff and Tom Ballock, nor does it encompass subjects that are only tangentially related to the issues in this case, such as househunting. Regarding communications between Plaintiff and Tom Ballock, you stated that all responsive communications made before this litigation were commenced have been produced, and there have been no responsive communications made after this litigation has commenced. I ask that you supplement Plaintiff’s response to reflect this position, as the response currently only consists of an objection.

Regarding communications between you or Charles and Mr. Ballock, you stated that you will not produce any such communications.

PLAINTIFF’S REQUESTS TO STATE POLICE DEFENDANTS

Request for Production 2 (*sic*) and 3 sought credit statements, canceled checks, and banks statements from Trooper Berry. After I objected on the grounds of relevance and confidentiality, you agreed to limit the requests to those records that reflected “any payments or deposits relating to Costlow.” The State Police Defendants supplemented their responses to indicate that there were no responsive documents. I clarified during our phone call that there were no responsive documents because Trooper Berry’s credit card statements and bank statements do not reflect any payments or deposits relating to Ms. Costlow.

Request for Production 6: This sought all emails between any defendants between 9/2012 and present. I objected on overbreadth, undue burden, relevance, and proportionality, but nevertheless agreed to produce emails that were reasonably related to the subject matter of this litigation. I also objected to producing emails between the State Police Defendants and Ms. Costlow after the initial complaint in this civil action was filed, as such communications would be prepared by parties in anticipation of litigation and excluded from discovery under Rule 26(b)(3). I did produce a privilege log, however, reflecting such communications. You still maintain that this objection is not proper.

Request for Production 7: This sought my client's cell phone bills from 9/2012 through 9/2014. I objected on the grounds of relevance, to which you responded that the documents sought were relevant because they would demonstrate communications between Defendants. I responded that cell phone bills do not show such detail. I explained that all three of the State Police Defendants have service through AT&T and provided a link to AT&T's website, which shows a sample bill that does not contain detailed call information. I understand this dispute to be resolved.

Overall, you take issue with the number of emails produced by the State Police Defendants, the lack of emails from personal email accounts, and the lack of any emails at all from Trooper Berry (you claimed that no emails from Trooper Berry were produced; I am not certain of that without reviewing the file, but will accept your position for purposes of resolving these discovery disputes). I explained that my clients have produced all responsive emails they have located after a good faith search. I informed you that Trooper Gaskins found two additional emails, which will be subject to a supplemental production soon. I explained that my clients did not use their personal email accounts to send emails related to either the underlying Ballock criminal investigation or this civil case. I also explained that if Trooper Berry did not produce any emails, it was because he was not involved in the Ballock criminal investigation. Nevertheless, I will ask him to make another search and I will produce any emails he finds, if any.

Finally, we discussed the issue of Plaintiff's request to the Monongalia Magistrate Court and Prosecuting Attorney's Office for his expunged criminal file. Charles informed me via email on 4/10/18 that he was going to make the request that day. But three months later, we still have not received the expunged documents, any information regarding the status of the request, or even a cc: copy of any request. You confirmed that Charles had made the request, but you were not certain of the status of the request. **CHARLES, can you provide an update on this question?**

If I have omitted or misstated any aspect of our conversation, please let me know. I appreciate your cooperation in resolving these issues.

Mark Jeffries

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Form **4506**

(July 2017)

Department of the Treasury
Internal Revenue Service**Request for Copy of Tax Return**▶ **Do not sign this form unless all applicable lines have been completed.**▶ **Request may be rejected if the form is incomplete or illegible.**▶ **For more information about Form 4506, visit www.irs.gov/form4506.**

OMB No. 1545-0429

Tip. You may be able to get your tax return or return information from other sources. If you had your tax return completed by a paid preparer, they should be able to provide you a copy of the return. The IRS can provide a **Tax Return Transcript** for many returns free of charge. The transcript provides most of the line entries from the original tax return and usually contains the information that a third party (such as a mortgage company) requires. See **Form 4506-T, Request for Transcript of Tax Return**, or you can quickly request transcripts by using our automated self-help service tools. Please visit us at IRS.gov and click on "Get a Tax Transcript..." or call 1-800-908-9946.

1a Name shown on tax return. If a joint return, enter the name shown first.	1b First social security number on tax return, individual taxpayer identification number, or employer identification number (see instructions)
2a If a joint return, enter spouse's name shown on tax return.	2b Second social security number or individual taxpayer identification number if joint tax return
3 Current name, address (including apt., room, or suite no.), city, state, and ZIP code (see instructions)	
4 Previous address shown on the last return filed if different from line 3 (see instructions)	
5 If the tax return is to be mailed to a third party (such as a mortgage company), enter the third party's name, address, and telephone number.	

Caution: If the tax return is being mailed to a third party, ensure that you have filled in lines 6 and 7 before signing. Sign and date the form once you have filled in these lines. Completing these steps helps to protect your privacy. Once the IRS discloses your tax return to the third party listed on line 5, the IRS has no control over what the third party does with the information. If you would like to limit the third party's authority to disclose your return information, you can specify this limitation in your written agreement with the third party.

6 Tax return requested. Form 1040, 1120, 941, etc. and all attachments as originally submitted to the IRS, including Form(s) W-2, schedules, or amended returns. Copies of Forms 1040, 1040A, and 1040EZ are generally available for 7 years from filing before they are destroyed by law. Other returns may be available for a longer period of time. Enter only one return number. If you need more than one type of return, you must complete another Form 4506. ▶

Note: If the copies must be certified for court or administrative proceedings, check here ☐

7 Year or period requested. Enter the ending date of the year or period, using the mm/dd/yyyy format. If you are requesting more than eight years or periods, you must attach another Form 4506.

8 Fee. There is a \$50 fee for each return requested. Full payment must be included with your request or it will be rejected. Make your check or money order payable to "United States Treasury." Enter your SSN, ITIN, or EIN and "Form 4506 request" on your check or money order.	
a Cost for each return	\$
b Number of returns requested on line 7	
c Total cost. Multiply line 8a by line 8b	\$
9 If we cannot find the tax return, we will refund the fee. If the refund should go to the third party listed on line 5, check here <input type="checkbox"/>	

Caution: Do not sign this form unless all applicable lines have been completed.

Signature of taxpayer(s). I declare that I am either the taxpayer whose name is shown on line 1a or 2a, or a person authorized to obtain the tax return requested. If the request applies to a joint return, at least one spouse must sign. If signed by a corporate officer, 1 percent or more shareholder, partner, managing member, guardian, tax matters partner, executor, receiver, administrator, trustee, or party other than the taxpayer, I certify that I have the authority to execute Form 4506 on behalf of the taxpayer. **Note:** This form must be received by IRS within 120 days of the signature date.

☐ **Signatory attests that he/she has read the attestation clause and upon so reading declares that he/she has the authority to sign the Form 4506. See instructions.**

Phone number of taxpayer on line 1a or 2a

Sign Here

Signature (see instructions)

Date

Title (if line 1a above is a corporation, partnership, estate, or trust)

Spouse's signature

Date

Section references are to the Internal Revenue Code unless otherwise noted.

Future Developments

For the latest information about Form 4506 and its instructions, go to www.irs.gov/form4506. Information about any recent developments affecting Form 4506, Form 4506-T and Form 4506T-EZ will be posted on that page.

General Instructions

Caution: Do not sign this form unless all applicable lines have been completed.

Purpose of form. Use Form 4506 to request a copy of your tax return. You can also designate (on line 5) a third party to receive the tax return.

How long will it take? It may take up to 75 calendar days for us to process your request.

Tip. Use Form 4506-T, Request for Transcript of Tax Return, to request tax return transcripts, tax account information, W-2 information, 1099 information, verification of nonfiling, and records of account.

Automated transcript request. You can quickly request transcripts by using our automated self-help service tools. Please visit us at IRS.gov and click on "Get a Tax Transcript..." or call 1-800-908-9946.

Where to file. Attach payment and mail Form 4506 to the address below for the state you lived in, or the state your business was in, when that return was filed. There are two address charts: one for individual returns (Form 1040 series) and one for all other returns.

If you are requesting a return for more than one year or period and the chart below shows two different addresses, send your request to the address based on the address of your most recent return.

Chart for individual returns (Form 1040 series)

If you filed an individual return and lived in:

Mail to:

Alabama, Kentucky, Louisiana, Mississippi, Tennessee, Texas, a foreign country, American Samoa, Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, or A.P.O. or F.P.O. address

Internal Revenue Service
RAIVS Team
Stop 6716 AUSC
Austin, TX 73301

Alaska, Arizona, Arkansas, California, Colorado, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, Wyoming

Internal Revenue Service
RAIVS Team
Stop 37106
Fresno, CA 93888

Connecticut, Delaware, District of Columbia, Florida, Georgia, Maine, Maryland, Massachusetts, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia

Internal Revenue Service
RAIVS Team
Stop 6705 P-6
Kansas City, MO 64999

Chart for all other returns

If you lived in or your business was in:

Mail to:

Alabama, Alaska, Arizona, Arkansas, California, Colorado, Florida, Hawaii, Idaho, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, a foreign country, American Samoa, Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, or A.P.O. or F.P.O. address

Internal Revenue Service
RAIVS Team
P.O. Box 9941
Mail Stop 6734
Ogden, UT 84409

Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin

Internal Revenue Service
RAIVS Team
P.O. Box 145500
Stop 2800 F
Cincinnati, OH 45250

Specific Instructions

Line 1b. Enter your employer identification number (EIN) if you are requesting a copy of a business return. Otherwise, enter the first social security number (SSN) or your individual taxpayer identification number (ITIN) shown on the return. For example, if you are requesting Form 1040 that includes Schedule C (Form 1040), enter your SSN.

Line 3. Enter your current address. If you use a P.O. box, please include it on this line 3.

Line 4. Enter the address shown on the last return filed if different from the address entered on line 3.

Note: If the addresses on lines 3 and 4 are different and you have not changed your address with the IRS, file Form 8822, Change of Address. For a business address, file Form 8822-B, Change of Address or Responsible Party — Business.

Signature and date. Form 4506 must be signed and dated by the taxpayer listed on line 1a or 2a. The IRS must receive Form 4506 within 120 days of the date signed by the taxpayer or it will be rejected. Ensure that all applicable lines are completed before signing.



CAUTION You must check the box in the signature area to acknowledge you have the authority to sign and request the information. The form will not be processed and returned to you if the box is unchecked.

Individuals. Copies of jointly filed tax returns may be furnished to either spouse. Only one signature is required. Sign Form 4506 exactly as your name appeared on the original return. If you changed your name, also sign your current name.

Corporations. Generally, Form 4506 can be signed by: (1) an officer having legal authority to bind the corporation, (2) any person designated by the board of directors or other governing body, or (3) any officer or employee on written request by any principal officer and attested to by the secretary or other officer. A bona fide shareholder of record owning 1 percent or more of the outstanding stock of the corporation may submit a Form 4506 but must provide documentation to support the requester's right to receive the information.

Partnerships. Generally, Form 4506 can be signed by any person who was a member of the partnership during any part of the tax period requested on line 7.

All others. See section 6103(e) if the taxpayer has died, is insolvent, is a dissolved corporation, or if a trustee, guardian, executor, receiver, or administrator is acting for the taxpayer.

Note: If you are Heir at law, Next of kin, or Beneficiary you must be able to establish a material interest in the estate or trust.

Documentation. For entities other than individuals, you must attach the authorization document. For example, this could be the letter from the principal officer authorizing an employee of the corporation or the letters testamentary authorizing an individual to act for an estate.

Signature by a representative. A representative can sign Form 4506 for a taxpayer only if this authority has been specifically delegated to the representative on Form 2848, line 5. Form 2848 showing the delegation must be attached to Form 4506.

Privacy Act and Paperwork Reduction Act

Notice. We ask for the information on this form to establish your right to gain access to the requested return(s) under the Internal Revenue Code. We need this information to properly identify the return(s) and respond to your request. If you request a copy of a tax return, sections 6103 and 6109 require you to provide this information, including your SSN or EIN, to process your request. If you do not provide this information, we may not be able to process your request. Providing false or fraudulent information may subject you to penalties.

Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation, and cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their tax laws. We may also disclose this information to other countries under a tax treaty, to federal and state agencies to enforce federal nontax criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by section 6103.

The time needed to complete and file Form 4506 will vary depending on individual circumstances. The estimated average time is: **Learning about the law or the form**, 10 min.; **Preparing the form**, 16 min.; and **Copying, assembling, and sending the form to the IRS**, 20 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making Form 4506 simpler, we would be happy to hear from you. You can write to:

Internal Revenue Service
Tax Forms and Publications Division
1111 Constitution Ave. NW, IR-6526
Washington, DC 20224.

Do not send the form to this address. Instead, see *Where to file* on this page.